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utterances of the insane and feeble-minded, not to be taken seriously until the intention was manifested in overt acts. It is an insult to the patriotism and intelligence of the people of the United States to suppose that the government was disturbed by the words of such crack-brained candidates for the lunatic asylum. As a result of war hysteria a dangerous body of laws is now growing up in the United States. See the Davey Sedition Bill pending in Congress, 54 American Law Review, 304. It is stated in Law and Labor, Vol. 2, p. 132, that an act was recently signed in New Jersey "to punish and prevent bolshevism, communism and all radicalism hurtful to the government of the United States and the State of New Jersey." A United States Senator publicly proclaimed that the "Plumb Plan" is bolshevism pure and simple. Couple the New Jersey law with this opinion and the next step is to punish as a criminal anyone who advocates the Plumb Plan. In Montana it has been made an offense to utter contemptuous and slurring language about the flag and language calculated to bring the flag into contempt and disrepute. For a criticism of the horrifying sentence imposed in such a case, see the opinion of Judge Bourquin in *Ex parte Starr*, 263 Fed. 145. The Federal courts were, however, powerless to grant relief, and there is no redress except possibly through the pardoning power.

*A. M. Kidd.*

DEPARTMENTAL CO-OPERATION IN STATE GOVERNMENT. By Albert R. Ellingwood, The Macmillan Company, New York, 1918, pp. 300.

The reviewer must confess to a strong prejudice against works which masquerade under misleading titles. A glance at the cover of Professor Ellingwood's book arouses an anticipation of a discussion of some of the crying problems of state administration. As a matter of fact the book is devoted to the subject of the advisory opinion, as rendered by judges, to the executive or legislative departments of their respective jurisdictions. This field the author covers with great thoroughness.

After dealing with the history of the advisory opinion in Great Britain, he discusses its development in the United States and Canada in a most searching manner. He has evidently examined all of the four hundred and ten such opinion rendered by courts in the states of our Union which have adopted the system, and it is doubtful whether any matter relating to the advisory opinion has missed his attention.

The book is clearly written, well organized, and does great credit to the industry and scholarship of its author. It would be useless to attempt to rehearse any of the detailed discussion of the advisory opinion into which the author enters. It will be, however, interesting to the general reader to learn that he emphatically favors the advisory opinion as an expedient for facilitating the operation of our constitutional system. He points out the obvious

advantage that there is in enabling the executive and legislature to learn in advance of the constitutionality or unconstitutionality of pending legislation or executive action, and he meets with vigor the various objections which have been raised by judges and others to the practice. The chief of these objections is that a court should not be obliged to decide any point of law unless it has had the benefit of the argument of counsel, and unless every interested party has had an opportunity to be heard. It is argued that an advisory opinion may commit the court, perhaps not technically, but nevertheless practically, to an interpretation of the law which will adversely affect the private right of some individual who has not had the opportunity of defending his right before the court. In reply to these contentions, Professor Ellingwood suggests the employment of *amici curiae* and quotes with approval the opinion of a North Carolina judge, (64 N. C. 785), to the effect that "the question is more easy of solution now, when it can be treated as a dry matter of constitutional law than it might be hereafter when complicated with collateral considerations."

*Thomas H. Reed.*

JUSTICE AND THE POOR. By Reginald Heber Smith. Bulletin Number Thirteen of the Carnegie Foundation for the Advancement of Teaching, 1919, pp. xiv, 271.

Every lawyer should procure a copy of this book and read it. In the foreword Mr. Elihu Root says:

"New projects are continually suggested for improving the condition of the poor by the aid of government, and as to many of them there is a debatable question whether they come within the proper province of government and whether official interference will not in the long run do more harm than good to the beneficiaries and to the community. No one, however, doubts that it is the proper function of government to secure justice. In a broad sense that is the chief thing for which government is organized. Nor can anyone question that the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights. This book shows that we have not been performing that duty very satisfactorily, and that we ought to bestir ourselves to do better. . . . I think the true criticism which we should make upon our own conduct is that we have been so busy about our individual affairs that we have been slow to appreciate the changes of conditions which to so great an extent have put justice beyond the reach of the poor. But we cannot confine ourselves to that criticism much longer; it is time to set our own house in order. And as we do so we should recognize with gratitude the noble and unselfish men and women whom this book shows to have been devoting themselves to the task which most of us have been neglecting."

Briefly, the report points out the reasons why the poor cannot get justice, the principal causes being the delay, court costs and